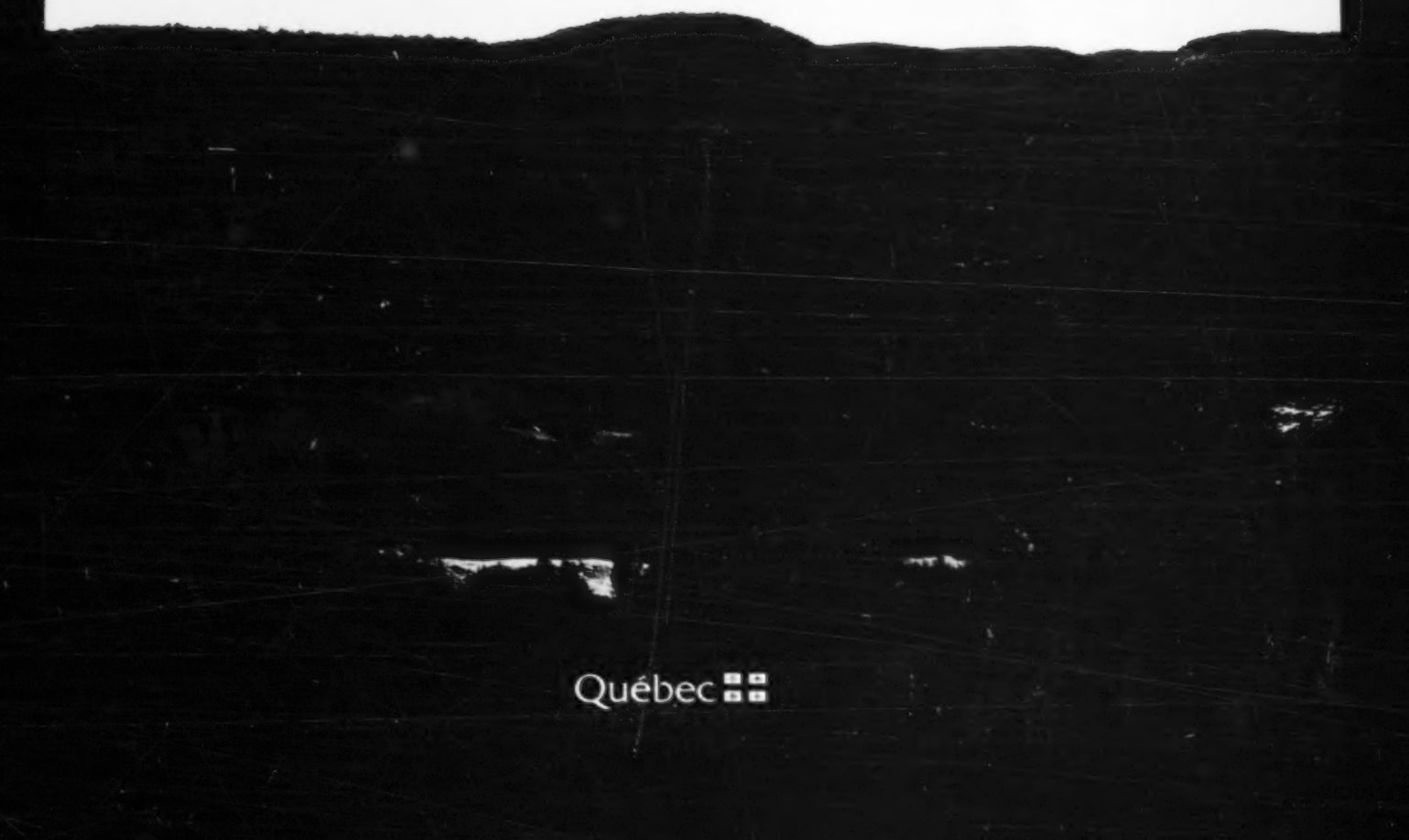
OUR FOREST INHERITANCE

Introduction of the *Bill to amend the Forest Act*
and Sittings of the General Parliamentary Standing Committee 2000



Québec

OUR FOREST INHERITANCE

Introduction of the *Bill to amend the Forest Act and other legislative provisions*
Policy Orientation Document for the
Parliamentary Standing Committee 2000

Québec forests are a priceless collective inheritance. They are State-owned and thus belong to all Quebecers. The Québec government is responsible for managing them. It must ensure that our society as a whole derives tangible, sustainable benefits from its huge forest territories. It is also responsible for their protection.

With this review of the *Forest Act*, Québec will acquire more effective tools to ensure both durability and accessibility of the forest resource as well as greater harmony between its numerous users.

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Ministère des Ressources naturelles, 2000
Legal Deposit - Bibliothèque nationale du Québec, 2000
ISBN: 2-550-35880-5
Publishing number: 2000-3067

This brochure is printed on recycled paper.

103-03482/

A MESSAGE FROM THE MINISTER

There is only one responsible way to manage the forests – by focusing on the needs of the population.

We are often reminded that the forest forms part of the heritage of all Quebecers. It is equally true to say that the forest has forged our collective identity, and that every action that affects the forest will ultimately affect us all, from the enthusiastic forest user to the committed city-dweller and occasional forest visitor.

Today, we are all aware of the importance of protecting the environment and maintaining the diversity of landscapes and natural species - but we are also aware of the importance of promoting new activities, safeguarding jobs, facilitating the operations of mills, and encouraging dynamic new approaches in communities throughout Québec. Each of these aspects presents a challenge for sustainable forest management!

Québec's forests are extensive and productive - and the products derived from them are in great demand. Only a careful, yet inventive, approach will allow us to derive sustainable benefits from the forests. Major progress is made each year: we now make better use of our resources, and we provide better protection for the forests. Together, we must continue to move forward. Together, we must learn about respect: respect for the forest and the need to act cautiously in its regard; respect for local populations, whose needs must be met; respect for Native communities, who wish to perpetuate their ancestral customs and knowledge; and respect for forest users, who wish to continue their activities and protect their livelihoods. With this new reform of the forest system, we will accomplish another step in the process, one that will require us to become more aware of the needs of others. Enjoying the benefits of the forest will meaning learning to work with other people.

The adoption of the *Forest Act* in 1986 constituted an important step forward. We must consolidate what has been accomplished since then, but we must also strengthen our supervision of the public forests and raise the requirements to be met by those who have the privilege of using forest resources, if we are to ensure a sustainable approach to forest management. Only a shared willingness to act with transparency and open-mindedness, for the general good, will ensure the success of this proposal presented to the people of Québec.

Jacques Brassard
Minister of Natural Resources

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STEPS IN THE PROCESS

The process to update Québec's forest system was launched in the spring of 1996. It is divided into eight main phases:

1. production and publication of a report on the forest system (spring 1998);
2. documentary study of forest management issues (spring 1998);
3. formulation of preliminary proposals for the updating of the forest system (spring 1998);
4. public hearings on the updating of the forest system and filing of over 500 submissions (fall 1998);
5. drafting of a bill to amend the *Forest Act and other legislative provisions* (spring 2000);
6. drafting of two documents explaining the proposed changes (spring 2000);
7. parliamentary committee hearing on the updating of the forest system (forthcoming);
8. passage by the National Assembly of legislative provisions to update the forest system (forthcoming).

THE FORESTS IN QUÉBEC

To describe Québec as a land of forests is true, as a generalization, but misses some important points. Québec is not covered by one large, undivided forest, but rather by several different forests whose features depend on climate and topography. Québec's forests are also home to a wide range of plant and wildlife, including over 200 species of birds and 60 species of mammals, 50 species of trees, over 270 species of moss and 600 species of lichen, not to mention the many other plants that thrive under the forest canopy, the reptile species, and over a hundred species of amphibians and fish. This diversity not only represents a source of wealth, but also a source of pleasure and enjoyment for all. There is little wonder the population of Québec is so attached to its forests.

Over half of Québec is covered by forests which are publicly owned in a proportion of 92%. Excluding the tundra in the north, where only lichen, moss, herbaceous plants, bushes and some wind-blown trees are able to survive the glacial cold, the forests can be divided into four main zones of vegetation.

The taiga is located to the south of the bare tundra. The climate is harsh and generally cold, and the sparse forest is made up of black spruce growing on a fragile blanket of lichens. This is the home of the caribou, ptarmigan and arctic char, or Québec red trout. Fire regularly sweeps over large tracts of land.

The boreal forest lies to the south of the 52nd parallel. The forest landscape is dominated by the black spruce, growing alongside other species such as balsam fir, jack pine, white birch and trembling aspen. The forests are inhabited by moose, caribou and several other well-known animal species, including the pine marten, the spruce grouse or black partridge, and the gray jay. The boreal forest is firmly established and has an exceptional ability to regenerate itself, especially following the forest fires that, as in the taiga, frequently devastate large areas.

The mixed forest marks the transition between the boreal forest and the hardwood forests further south. Some of the characteristic species found in the mixed forest are balsam fir, white spruce, yellow birch, white birch and trembling aspen, and also some red pine, white pine and

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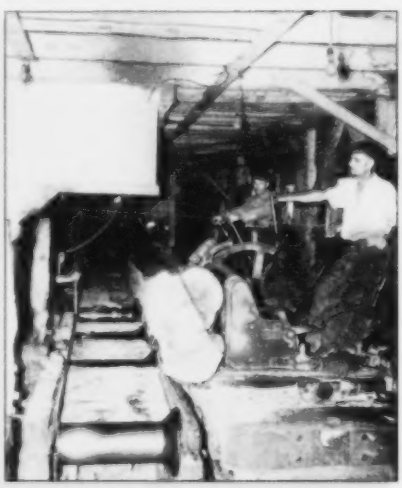
sugar maple, at the northerly limit of their distribution zone. This type of forest is the preferred terrain of the moose and other species, including the snowshoe hare, ruffed grouse, beaver and blue jay. The spruce budworm is also present in the mixed forest, and helps rejuvenate the forest stands.

The hardwood forest is the core resource for maple sugar production in Québec, since this is where the largest number of sugar maples grow. Other high-value hardwood species grow in the same stands, including the yellow birch, beech, basswood and oak, along with softwoods such as the white pine, red pine, hemlock, red spruce and cedar. White-tailed deer, ruffed grouse and the broad-winged hawk are found throughout the forest, which is less prone to natural disturbances than forests further north.

HISTORICAL BACKGROUND

The benefits offered by Québec's forests were recognized under the French regime, but commercial exploitation only began in earnest in the 19th century. The first main product was squared lumber, giant pine trunks that were roughly squared on four sides for use in shipbuilding. Beginning in the 1860s, the focus switched to sawn lumber, and later to wood pulp for paper production, as lumber began to be replaced by other construction materials such as iron, steel and bricks. As needs changed, new species were felled, such as fir and spruce, and smaller trees were cut. Although there was a market within Québec for some forest products, including firewood, the most common domestic fuel source, staves, shingles, railway ties and pickets, much of the wood harvested was exported to Great Britain or the United States, mostly in unprocessed form.



This was a time when Québec did not have control over the development of its own forests; it had no say in forest management, the lumber produced was exported as a raw material, and none of the benefits of processing remained in Québec, depriving the government of revenues that could have been used to maintain the forests or fund other public

services. Another feature of this period was that the forests were believed to offer an inexhaustible source of supply; land was unlimited, the forests were productive, each company had its own share of the territory, known as its ***timber limit***, and paid no attention to others.

As the years went by, the growth of industry, the increased demand for timber, the mechanization of forest operations, the focus on employment growth and the interest shown by Québec's population in the forests brought about changes in the way the forests were managed. Succeeding governments took steps to gain more control over the future of the forests, and to ensure that the wood harvested in Québec was also processed in the province.

"Timber limit": public land leased by the Government to a corporation, on certain conditions, giving entitlement to fell all timber on the land. In practice, the timber limit system was a disguised form of land privatization, with very little money returning to the government.

THE *FOREST ACT*, 1986

The adoption of the *Forest Act* in 1986 was one more step in this historical process. It finally put an end to the old timber limit system that had survived despite many calls over the years for its abolition, along with the approach to "forest management" that gave a handful of private companies full control over the forests. We all remember that each company controlled vast tracts of land. It could limit access while disposing of the timber it harvested as it saw fit[1]. In addition, the price the companies paid to the Government for each tree harvested was not based on any specific rule, and did not reflect actual timber values. The replanting of the harvested areas, however, was entirely the responsibility of the government, and the money available for reforestation tended to fluctuate from year to year.

In short, prior to 1986 the forest industry harvested the wood it needed to remain in business, year after year, and the government replanted the harvested areas when funding was available. However, there was a growing

[1] In its 1972 forest policy, the Government of Québec announced that it would abolish all timber limits over a ten-year period. By 1984, this objective had been achieved with respect to only 32% of forest lands in Québec. It was not until the passage of the *Forest Act*, in 1986, that all remaining limits were finally abolished. In 1972, it was already clear that forest uses were changing, that more space had to be left for new uses and the creation of parks, that the use of timber needed to be rationalized, and that waste had to be reduced. The concerns remained, and following an increase in demand the focus switched to sustainable forest development.

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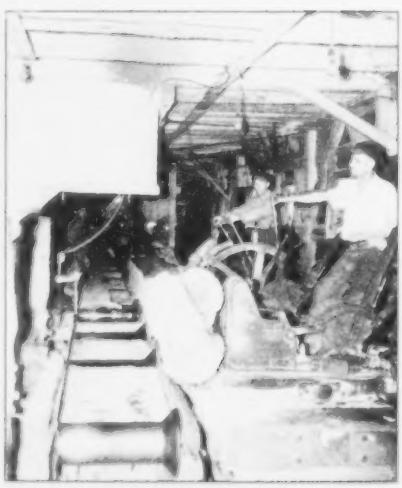

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concern that supplies for the mills would eventually run dry. Successive spruce budworm epidemics fuelled these concerns when they destroyed around 235 million cubic metres of wood during the 1970s, the equivalent, at the time, of ten years' harvest. During the same period, Québec's sawmills increased production, and Québec's public forests came under even more pressure. Between 1976 and 1986, 30% more softwoods were harvested to supply the sawmills, but demand still exceeded supply. Certain standards to protect the forest environment were drawn up, but they were not legally enforceable and were applied sparingly. Both the timber supply and the forest were threatened.

A CHANGE IN DIRECTION

Following the publication of a draft forest policy[2] in 1985, the *Forest Act* was passed in 1986, ushering in a period of change. Henceforth, several different forest companies were required to work within the same area. The volume of wood allocated in *timber supply and forest management agreements* was determined according to the ***allowable annual cut***. All harvested sites were required to be replanted immediately.

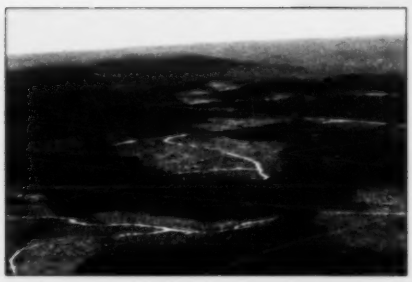
The *Forest Act* also recognized the principle of multiple forest use. Forest operators were required to take other forest users into account and to protect the forests and their resources, including riverbanks and lakeshores, lakes and watercourses, wildlife habitats and landscapes. Forest management was entrusted to the forest companies, but they were required to draw up plans to show that their activities were in compliance with the Act. The price paid for the trees harvested had to reflect market values.

"Allowable annual cut": the amount of wood harvested each year in a given area could not exceed the amount that the forest could produce when properly managed.

[2] *Bâtir une forêt pour l'avenir, La politique forestière*, 1985. Québec, ministère de l'Energie et des Ressources, gouvernement du Québec.

TIMBER SUPPLY AND FOREST MANAGEMENT AGREEMENTS (TSFMAS)

In May 2000, some 255 TSFMAs were in force. A timber supply and forest management agreement is an agreement between the government and a mill owner. The owner obtains the right to harvest, each year, a specific volume of a given species (fir, spruce, etc.) on public lands. The volume is established on the basis of the mill's timber and wood fibre needs, and the other sources available to the owner, such as wood from private woodlots, chips and recycled wood fibre. In return for the volume of wood allocated from the public forest, the mill owner must undertake to restore harvested areas to production.



Each TSFMA remains in force for 25 years. However, the harvest area and the volume of timber allocated are reviewed every five years, when the forest plans are updated. This allows changes in the potential yield of the forest and in the mill's needs to be taken into account. The agreement is then extended for a further period of five years if it is ascertained that the agreement holder has complied with the commitments made, and with the provisions of the Act. If this is not the case, the agreement may be cancelled.

The Act has now been in force for several years, during which the number of companies harvesting timber in the public forests has increased. In addition to learning how to share the same areas, the companies have had to perform their new duties as "forest managers". The transition has not been easy; in the forestry community, the new Act is seen as a revolution. Further changes can be expected, however. New players demand to enter the field, including regional development councils (RDCs), regional county municipalities (RCMs) and Native communities, all of which will expect stricter forest management standards and better protection for forest resources. Local communities also want forest development to generate more benefits, jobs and advantages for their populations.

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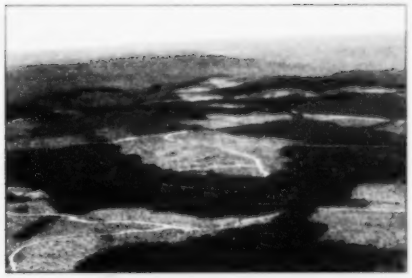

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Public land is now being used more extensively than ever before. As a result, conflicts have become more apparent, as timber producers and other users have had to work alongside one another more frequently in the same areas. This has led to a condemnation of certain forestry practices, such as ***clear cutting*** (because of the size of the clear-cut areas) and the use of pesticides[1].

Over the years, the concept of integrated resource management began to attract attention. There were calls to increase the number of protected areas, and to adapt forest management standards to local conditions. Local populations expected to have more say over the forest management activities in their area.

"Clear cutting": conventional clear cutting involves felling all commercially valuable trees that have reached a sufficient diameter to be processed. In Québec, clear cutting has been replaced by cutting with protection of regeneration and soils, which allows new growth in the harvest area to be protected, and reduces the impact of forest operations on the forest soil.

FOREST MANAGEMENT STANDARDS IN PUBLIC FORESTS

The *Regulation respecting standards of forest management for forests in the public domain* was prepared in collaboration with the ministère de l'Environnement and the Société de la faune et des parcs du Québec. It governs all forest management activities. It is designed to provide protection for lakes and watercourses, wildlife habitats and landscapes, and focuses in particular on the regeneration of harvested areas and the building of forest roads, which can have a considerable impact on the forest environment. Under the *Forest Act*, the Minister of Natural Resources can prescribe stricter standards than those set out in the Regulation in order to provide better protection for a particular forest environment.

Part of the MRN's mission is to assess the effectiveness of the forest management standards and to correct or improve them as needed. For example, the MRN studies the impact of the size of logging areas on wildlife, and how under-road culverts affect aquatic life. In addition, the MRN performs on-going monitoring to ensure that the holders of various forest permits comply with the applicable regulations.

[1] Pesticides are used to combat certain insect infestations, such as spruce budworm, or to slow the growth of plants such as the wild raspberry, which hinder the development of young trees. The Government of Québec has undertaken to ban the use of chemical pesticides in public forests from 2001.

ON-GOING DEVELOPMENTS

The Forest Act, once passed, was subsequently amended on several different occasions to take into account changing needs, demands from all sides and new knowledge about the forests.

Forest management contracts were introduced, for instance, as an additional way of allocating timber volumes, allowing new players to be entrusted with the management of certain forest areas. Contracts were granted to forest organizations, local municipalities, regional county municipalities and Native communities, among others.

FOREST MANAGEMENT CONTRACTS (FMCS)

A forest management contract is a contract between the Minister and a single contract holder entrusted with the management of an entire forest. The contract holder undertakes to comply with requirements similar to those imposed on TSFMA holders, including the obligation to draw up forest management plans and comply with forest protection standards. An FMC can be granted on a forest reserve, in other words an area of forest that the Minister has not allocated under a TSFMA. Since reserves are generally situated near inhabited areas, an FMC is a valuable tool for local development. At the beginning of the year 2000, 66 FMCs were in force: 18 with forest organizations, such as forest cooperatives, 31 with municipalities, and 5 with Native communities.

Since 1993, the Government has required FMC holders to submit their general and five-year forest management plans to a public hearing and information session, before approval by the MRN. This means that any person can make their point of view known to the contract holder. For example, outfitters and wildlife managers, working in controlled wildlife harvesting zones (known as ZECs) or wildlife reserves, can collaborate with contract holders in defining ways to harmonize their respective activities, and regional county municipalities are consulted on the general plans affecting their territories. The goal is to bring the

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key players in a given area together, to solve any problems, and to provide for multiple use of the forest environment. Where needed, the MRN can facilitate collaboration by appointing a conciliator, who has the power to recommend changes to the plans submitted by contract holders.

Some of the stumpage dues collected by the government on timber harvested[1] in the public forests can be used to fund local development projects in order to promote the multiple use of forest lands under public or private ownership. The *Forest Resource Development Program* was launched in 1995, and met with immediate success. The program is still in force, and its budget has risen from $19 million, at the launch date, to $32.5 million for the year 2000.

THE *FOREST RESOURCE DEVELOPMENT PROGRAM*

Since its introduction in 1995, the *Forest Resource Development Program* has funded almost 3,800 projects, spending around $119 million and helping to create about 25,000 seasonal jobs. Thanks to the program, forest production has been increased on high-potential sites, and multiple forest use has been promoted by laying out deeryards, spawning grounds, salmon pools, lookouts, and snowmobile, hiking and cycle trails. Among other things, the program has funded work to improve bicycle access to parts of the *Appalachian Trail*, an internationally acclaimed hiking trail, and other infrastructures located in ZECs, outfitting areas and wildlife reserves. In the last year, funding has been set aside for projects proposed by Native communities.

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NEW STEPS IN THE PROCESS

The report on the implementation of the *Forest Act* has shown that the forest is better protected now than ever before, that it is used for a wider range of purposes, that it is managed more intensively (over $200 million is spent annually on forest management), that more individuals and businesses are involved in forest development, and that better use is made of the timber harvested, in particular because it is now processed primarily in lumber mills. Today's paper mills rely more on woodchips and other residue from sawmills, and less on roundwood.

At the same time, however, it is clear that problems still remain to be solved, and that new issues must also be faced. For example, the growing demand for timber cannot be met; forest planning cannot guarantee that forest production objectives will be met or exceeded as initially forecast; on-site monitoring is insufficient; the population does not receive enough information on forest activities, and is not involved enough in the planning process; ***integrated forest management*** must be established as the standard approach; the size of protected areas must be increased; and forest biodiversity must be maintained at all costs.

"Integrated forest management" is, above all, an approach designed to bring various forest users together around the same table to agree on the best way to develop the forest. For example, in the Saguenay — Lac-Saint-Jean region, the Groupe d'entente sur l'aménagement intégré de la rivière Shipshaw (the GEAIS, a joint group for the integrated management of the Shipshaw River) assesses forest strategies and makes proposals promoting the integrated use of forest land. The GEAIS is composed of representatives of the forest industry, outfitters, trappers, members of the Mashteuiatsh Montagnais community, elected representatives of the municipalities and people involved in recreation and tourism. The work of the group is guided at all times by the principle of sustainable development.

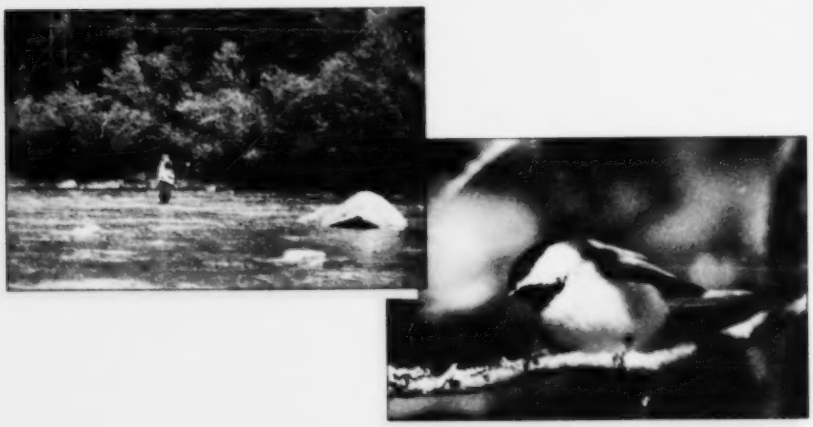
PUBLIC INPUT

Many concerns have been voiced by the general public. Can the forests continue to produce at the present rate? Will there be enough wood in the future to supply the plants that support many small communities? Will there be any mill closures? Is the forest environment protected? Are the forest protection standards adequate? Are they being applied correctly? Can private companies be relied upon to manage the public forests? What are their plans actually worth? Does the government exercise sufficient control? Will there still be forests in the future?

Over the last few years the MRN has consulted the population on several different occasions, and each time it has received a clear message, namely that:

- the number of protected areas not subject to forest management policies should be increased, and more parks should be created;

- following logging operations, a "natural" forest as similar as possible to the felled forest should be reconstituted;
- forest stands should be allowed to mature, to meet the needs of certain animal and plant species;
- the distance between cutting areas should be increased considerably, since the present distance is seen considered totally inadequate;
- integrated management should become the model for all forest lands, since other forest users are entitled to the same consideration as forestry operators;
- the monitoring of forest activities should be improved;
- companies other than mill operators should be given access to forest resources;
- forest management practices and the standards governing them should be adapted to local conditions, and emphasis should be placed on results rather than on the means used;
- the public should be involved in the decisions affecting the environment, and better informed;
- existing mills should be allowed to continue their operations, and new mills should be established.



RESPECTING OUR FORESTS' PRODUCTION CAPACITY

Québec's forests are managed so as to respect the allowable annual cut. This means that the quantity of timber harvested, year after year, must not exceed the amount of timber produced naturally by the forest when properly managed. In other words, we use the interest generated, but leave the principal invested. To assess how much "interest" the forest can produce, we must have an accurate understanding of its condition. This is why the MRN spends almost $10 million annually to gather forest-related data from almost 92,000 sites throughout Québec.

In Québec, softwood species, especially the black spruce, are in great demand. The allowable annual softwood cut is around 30 million cubic metres of timber (Mm^3). A total of 18 Mm^3 was harvested in 1990, rising to 26 Mm^3 in 1998, demonstrating the strong growth in demand for forest products. This trend has continued, to the point where the volume of timber now harvested is approaching the allowable annual cut, in other words the maximum amount that can be harvested. In certain regions, this maximum has already been reached.

Québec's forests are able to renew themselves, and natural regeneration is generally abundant, but even so care is needed. We must be vigilant if we wish, in the short, medium and longer term, to continue harvesting at the current rate in the 120 areas used to supply mills. The forests must be managed even more efficiently, based on more accurate data, the allowable annual cut must be revised on an on-going basis – rather than every five years as is presently the case – to take into account the consequences of fires and other natural disturbances as well as new research findings, and the activities of agreement and contract holders must be monitored more closely.

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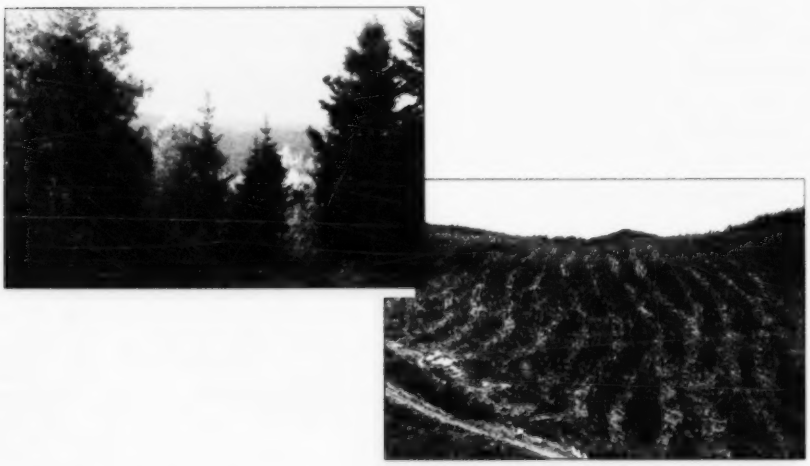
OTHER CHANGES

The context has changed since the mid-1980s. Needs and expectations are no longer the same, and change itself has become the norm. To achieve forest sustainability, several aspects of the current forest system must be reviewed. Québec's forests must be managed for the population, for the environment and for the economy, and we must now take the steps needed to ensure that we will, in the future, be able to enjoy the same benefits we currently derive from the forests.



REFORMING THE FOREST SYSTEM

The *Forest Act* has had a profound influence on the way the forest is considered in Québec. It has emphasized the public nature of the forest, leading to a new sharing of resources and a better use of forest lands. There is a growing awareness, among forest users and the general public, of the need to protect the forest environment. The proposed *Act to amend the Forest Act and other legislative provisions* is one more step in this process, since it is designed to retain the viable aspects of the current forest system and to improve other aspects so as to increase the spin-offs of forest management.

A HERITAGE FOR ALL

Québec's publicly-owned forests are part of the heritage of all Quebecers. The forests must be protected, and they must be used in a way that offers tangible, sustainable benefits for society as a whole. Access to resources is a privilege that can be renewed or extended, but only where merited and in the public interest. With this revision of the *Forest Act*, the MRN will acquire more effective tools to direct forest development towards an optimum result, to better assess the performance of agreement and contract holders, and to better protect the interests of the general public.

Targeting specific objectives

Forest development must aim to achieve the objectives defined by the Government. (Summary of public consultations, Fall 1998)

Québec's forests must be managed in a way that allows the protection and development objectives set for each area to be attained. This involves, for example, complying with the allowable annual cut set by the Minister, or increasing forest production while protecting biodiversity and managing resources in a more integrated way, in collaboration with a broader range of partners. The Minister will determine objectives, and agreement and contract holders will, in planning their harvesting operations, have to provide for the activities or silvicultural treatments required to meet those objectives. The Minister will be responsible for assessing the results achieved.

The Minister will conduct public hearings in all regions of Québec before setting the objectives to be met in each forest area. The hearings will cover all aspects of the question, such as the use of the timber harvested and the development of forest resources. The procedure for the hearings will also be adjusted to take into account the particular needs of the Native communities.

Improved plans

The content of forest management plans will be subject to an in-depth review. (Summary of public consultations, Fall 1998)

To ensure that agreement and contract holders pursue the objectives set, the Minister will supervise the preparation of their general forest management plans. Each plan will constitute a management strategy[1]. The plan for each forest area will describe the existing forest and present an overview of how it is to be used in the long term, with specific objectives.

[1] Under the updated forest system, general and five-year plans will be combined, simplifying forest planning and facilitating public involvement, since all the forest management objectives for a given area will be presented in a single document. The annual forest management plan will continue to exist, but with a revised content.

It will describe the methods to be used to maintain or increase timber production, provide for multiple use of the forest environment, reduce the risks of insect infestations or disease, and accommodate wildlife habitats, for example. The plan will also contain the program of forest activities to be implemented by the contract or agreement holders concerned. Each plan will be revised every five years to take into account how the forest management work completed has affected the ability to maintain a sustained yield, and the impact of certain other factors such as forest fires.

Agreement and contract holders will also be responsible for drawing up annual management plans in which they will describe, in detail, the forest management activities (construction of forest roads, timber harvesting, return of harvested areas to production, etc.) they intend to complete during the year. The annual plan must, of course, be consistent with the previously submitted general plan.

In addition, in their annual plan, agreement and contract holders will have to demonstrate, using forest survey data, how the types of sylvicultural treatments they intend to apply, from replanting a cutting area to thinning a woodlot to improve the growth rate of a young stand, are relevant from a forest management point of view, and how they will enable the objectives set by the Minister to be met. If they are not relevant, the plan will have to be corrected and, where necessary, the approval of the plan and the issuing of the permit will be postponed.

Increased participation

Forest management has a considerable impact on the activities of other forest users. To take these activities into account, all agreement and contract holders will, when drawing up a general plan, have to involve regional county municipalities, Native communities, outfitter permit holders, anyone who, under the *Act respecting the conservation and development of wildlife*, manages a ZEC, offers services or organizes activities in a wildlife preserve, and anyone who, under the *Forest Act*, holds a permit to cultivate and operate a sugar bush for maple syrup production. All these individuals and organizations will be expected to play an active role at all stages in the preparation process, and their influence will increase significantly.

Collaboration between all forest users must be ensured at all stages in the preparation of forest management plans.
(Summary of public consultations, Fall 1998)

The participation of outside individuals and groups should allow the forests to be used for a broader range of purposes, and should also help resolve the conflicts caused by the sheer scope of forestry operations. At the same time, it should allow for agreement on the best possible way of managing the forest, whether in terms of protecting a particular sector, determining the route of a forest road, or scheduling forest operations to take into account the activities of other users.

The way in which this participation is organized will be defined by those involved, in collaboration with the agreement or contract holders. It must, in particular, take into consideration the needs of Native communities. If the parties concerned are unable to solve certain problems, the Minister will, after receiving the proposed plan, be able to refer the matter to a conciliator.

The time limit prescribed in the Act for holding public hearings will be retained, to allow all parties to make their needs or point of view known. The current procedure will, however, be improved to encourage more citizens to become involved in the process. For example, the plans will be presented in outline form in public information documents, and the time allowed for conciliation will be extended.

Once all these stages have been completed, the Minister will approve the plans submitted by the contract or agreement holders, after amending them where necessary to reflect the expectations of the population or the needs of other forest users. The Minister may refuse to approve a plan if, in the Minister's view, it will not allow the objectives to be met, or if the contract or agreement holder has failed to facilitate the involvement of other individuals and groups when preparing the plan.

Forests under strict surveillance

The MRN must remain responsible for monitoring and overseeing all forest management activities.
(Summary of public consultations, Fall 1998)

The Minister will strengthen the supervision of activities carried out in the public forests. There will be more inspections, and additional personnel will be assigned to supervisory duties. Agreement and contract holders will have to pay some of the costs relating to supervision, calculated on the basis of the volume of timber they are allocated. Their contributions will be paid into a fund established, among other things, to finance forest management.

FOREST PROTECTION

Québec's forests must be protected if they are to remain healthy. The Act lays down specific rules concerning the protection of lakes, watercourses, riverbanks and lakeshores, and wildlife habitats for waterfowl, white-tailed deer and caribou, and also the preservation of recreational and public utility sites. However, the rules must be strengthened, and new measures must be introduced to protect all forest ecosystems and as broad a range as possible of living species, especially since research activities regularly demonstrate the importance, role and usefulness of each animal and plant.

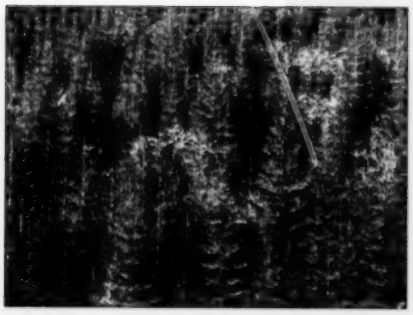
Cutting area spacing

The size of cutting areas has been reduced in recent years. In 1989, the maximum size of a single-tract cutting area was 250 hectares, but in 1995 it was reduced considerably, by 40% in northern Québec (250 ha to 150 ha), by 60% in central Québec (250 ha to 100 ha) and by 80% in southern Québec (250 ha to 50 ha). However, even when the current standards are strictly observed, the spacing between cutting areas does not meet all the requirements of multiple forest use, fails to ensure the maintenance of biodiversity, and does not provide sufficiently for traditional Native uses and food gathering. In addition, logging operations often have a devastating effect on the landscape. As a result, the spacing between cutting areas must be increased in order to make their impact more acceptable from a social, environmental and economic point of view. New requirements will be defined and, where they prove inadequate in certain forest environments, the Minister will be empowered to make them even more stringent or to impose additional obligations on agreement and contract holders.

The goal of using all resources in the forest environment is closely tied to the preservation of biodiversity. (Summary of public consultations, Fall 1998)

TAKING A CUE FROM NATURE

There is general agreement on the fact that forest resources must be used in a way that allows all species to be preserved, along with their habitats - in other words, in a way that maintains biodiversity. The reasons for safeguarding biodiversity can be ecological, food-related, spiritual or economic but, in all cases, biodiversity has become a central objective. It is a challenge that will force us to extend our knowledge about the forest and improve our management practices.



The objective can be met by ensuring that the forests are managed in a way that allows the natural diversity of their ecosystems to be maintained or restored. There is increasing support for the idea that nature should be the main guide for work done in the forests. This philosophy, already applied in certain countries, follows on from the observation that forestry operations tend to create landscapes that do not necessarily resemble the landscapes resulting from natural phenomena such as insect attacks or forest fires. Some specialists have suggested that post-forestry landscapes should be brought more into line with the landscapes produced by natural phenomena, to ensure that forest species encounter conditions to which they are adapted and in which they can live and reproduce.

Not all species have the same needs, and forest management strategies must allow for different ways of spacing cutting areas and different management techniques to respond to varying needs. It will also be important to maintain old-growth forests or some of their characteristics on a permanent basis, since they provide shelter for particular animal and plant species.

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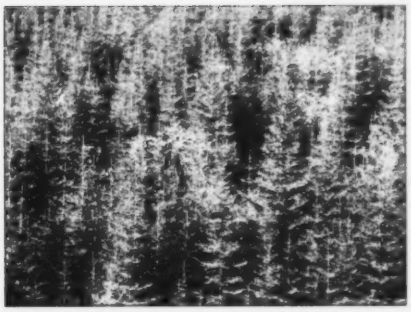

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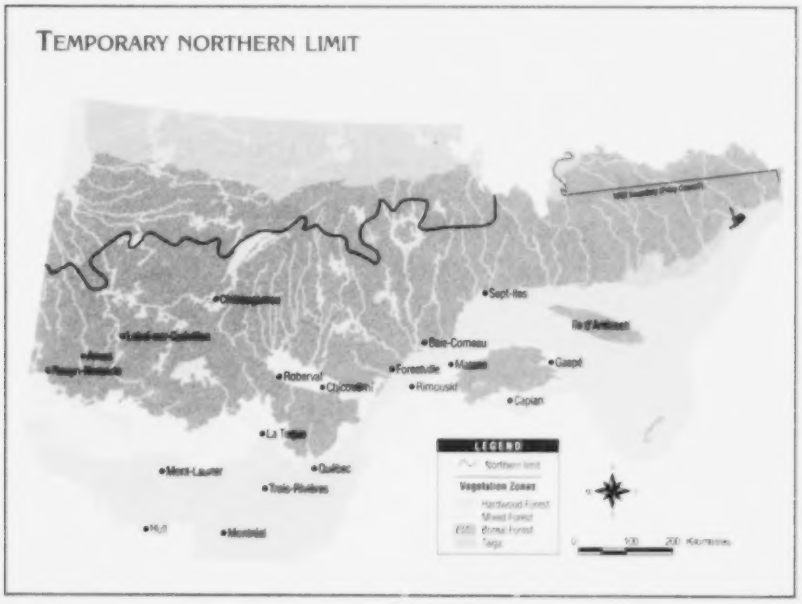
A northern limit

Certain rare or exceptional forest environments must be protected from all forest operations, as must forests that would be irreparably damaged by such operations. Particular attention must be paid to northern forests, especially because of their slow rate of regeneration. A northern limit will be established in the boreal forest, beyond which all forest operations carried out to supply a mill will be prohibited. Existing agreements that allocate timber beyond the new limit will be amended accordingly. The only forest management activities authorized north of the limit will be those carried out to protect the forest environment or meet the needs of local communities.

The northern limit will be made public on September 1, 2002, at the latest. Before that date, a temporary limit will be set (see map below), beyond which no new timber allocations, or timber allocation increases, will be granted. The management of northern forests will also be improved to take into account the frequency of forest fires and the presence of many vulnerable sites.



Exceptional forest ecosystems

Québec's forests contain many ***exceptional forest ecosystems*** that currently have no legal status as parks or ecological reserves, and thus enjoy no special protection.

From now on, if the Minister of the Environment and the Minister responsible for Wildlife and Parks agree, the Minister of Natural Resources will be able to classify such areas as "exceptional forest ecosystems". In general, forest management activities will be prohibited, as will mining activities if they pose a threat to the protection of the site. Where forestry or mining activities are authorized, they will be of a specific type and will have to meet stringent conditions. In no case will they be allowed to alter the characteristics of the site concerned.

The Minister will classify exceptional sites after implementing a consultation process. The new provisions introduced into the *Forest Act* will complete those contained in other legislation, and will allow the Minister to act quickly to protect sensitive forest areas in the various regions.

"Exceptional forest ecosystem": an ecosystem is an area in which living organisms exist in close interaction with each other, forming an inseparable whole. An ecosystem is considered to be exceptional when it is essential for the maintenance of biodiversity, because it is one of only a few such sites, because it harbours species that are specific to a given region, or because it contains old-growth vegetation. For example, the sector around Lac Duparquet, in the Abitibi region, contains many ecosystems that are unusual in that area, including stands of ash and stands of red pine and lichen. In the Outaouais region, the sector around Lac La Blanche contains maple stands with basswood and beech and hemlock stands that are over 300 years old.

SHARING RESOURCES

The forests offer forest users many different benefits, and publicly-owned forests must be made accessible to as broad a range as possible of individuals and organizations who have ideas for using them intelligently. Access to Québec's forest reserves has already been greatly improved by the Minister's power to grant forest management contracts, but the forest reserves cannot meet all needs. New applications have been made, for example, to use forest resources other than timber.

Access to timber in publicly-owned forests must be granted to persons other than mill owners. (Summary of public consultations, Fall 1998)

Forest management agreements

The consolidation of forest management businesses could offer many advantages. Since forest companies derive their profits from the timber they harvest, they have an obvious interest in ensuring that the forests are managed in a way that ensures, year after year, that they produce at maximum capacity. A single company may, in the future, be authorized to act in all publicly-owned forests in Québec, for its own account.

The Minister intends to grant new *forest management agreements* to regional businesses able to contribute to economic growth in the regions and to create sustainable benefits. The agreements will only be granted

to businesses that receive the support of the regional development council concerned or, if the applicant is a Native organization, the Band Council. The holder will be able to harvest the volume of timber allocated under the agreement, for sale to established mills. The agreement holder will have the same obligations as the holder of a timber supply and forest management agreement (TSFMA) as regards forest management and environmental protection.

Temporary logging permits

Although a TSFMA holder has priority to harvest the timber allocated under the agreement, there are some cases in which another business should be able to harvest the timber concerned if the agreement holder is unable to do so. A mechanism is needed to allow the Minister to direct the timber to another business, or in other cases to cancel the allocation, for example where the potential yield is expected to drop, or where the Minister wishes to keep timber in reserve to allow the completion of a specific project, such as a recreational project, that will result in timber being withdrawn from the harvest area. In other words, even though timber is allocated over a long timeframe to guarantee mills the steady supplies they need to operate, the Minister must always be able to intervene to ensure that the best use possible is made of the timber.

Meeting new needs

Under the *Forest Act*, the Minister is currently able to authorize forest management activities for purposes other than the supply of mills, such as the gathering of firewood for the home, to take the oldest and best-known example. However, the number and scope of the requests made have been increasing steadily. Two examples are the harvesting of timber to clear land for agricultural purposes, such as the cultivation of blueberries, or the cultivation of certain bushes or shrubs, such as ground hemlock, for use in pharmaceutical preparations for which there is a growing demand. Maple syrup production is also expanding, and it has been suggested that sugar bushes in areas where forest operations are in progress should be used both for syrup production and for lumber.

Multiple-use of the forests is necessary to derive a broader range of benefits. (Summary of public consultations, Fall 1998)

The Minister will, in the future, have more scope to respond to such requests, by proposing ways of harmonizing different uses, such as syrup and lumber production in sugar bushes. The Minister will also be able to issue permits for new forest uses, but the permit holders will still be required to comply with conditions that ensure protection of the forest environment and the renewal of forest resources.

It is impossible to forecast all potential forest uses for which applications may be made. Accordingly, provisions will be added to the *Act respecting the ministère des Ressources naturelles* to allow the Minister to authorize a new forest use for which there is no legislative provision but which is consistent with the public interest. The government will fix the rules governing such authorizations.

Increased yield

Forest yields must be increased. (Summary of public consultations, Fall 1998)

There are several reasons why forest management practices should be intensified to increase yields. First, if the number of protected forest areas, such as parks, increases, the areas available for logging will be reduced accordingly; and second, the range of forest uses must be broadened while maintaining supplies for existing mills and promoting the construction of new mills.

Meeting all these needs will mean finding even better ways of using forest resources, eliminating waste and relying more on recycled wood fibre. Another possible solution is to increase forest production, since neither private nor public forest lands are being used to their full potential. It is a well known fact that other countries achieve higher forest production rates, and it is therefore proposed to increase investment in forest management work so that, over the long term, forest yields will increase in 20, 30 or 60 years' time. This will improve the production rates of private and public forests that have unused potential and that are situated close to mills and communities.

INCREASING FOREST PRODUCTION

Introducing more intensive forest management, in other words investing more to increase forest production rates, will not lead immediately to higher timber yields. The gain in production will only become apparent in the medium and longer terms. Québec does not intend to match the yields achieved by certain European countries which, in some cases, are more than double the Québec average, since this would involve planting large tracts of land with a single species of tree, resulting in a loss of biodiversity and a reduction in multiple forest use. Instead, the focus will be on realizing existing potential while preserving the natural features of the forest.

ACHIEVING SUSTAINABILITY THROUGH BETTER PERFORMANCE

As mentioned above, the MRN will set objectives for the management of Québec's public forests, and these objectives must be met by agreement and contract holders.

Shared obligations

Since several agreement and contract holders will be working in the same area, they will have to work together in an organized way to achieve the objectives set. Under the Act, agreement holders will have to pool their management efforts in a given area, and will all be responsible for producing joint management plans. In simple terms, each forest area will be covered by a single general plan and a single annual plan approved by the Minister. The plans will provide for the holders to obtain the timber allocated under their individual agreements, but they will have to agree together on all the work to be performed to bring the harvested areas back into production and to achieve the joint management objectives indicated by the Minister for the territory they share. The work will be carried out in a manner that protects the environment and ensures optimum use of the timber harvested. The agreement holders will have to ensure that their work is of a high standard, and file a joint report on the work completed.

The agreement holders will have to agree on how to share the work between them, but each holder will be held responsible for the quality of the work carried out in the whole area, even if it was actually done by another agreement holder. In addition, all the holders will be treated on an equal footing as regards the attainment of the management objectives fixed by the Minister.

The Minister, when reviewing previously granted agreements, will also take into consideration the joint ***performance*** of the agreement holders in ***environmental and forest management*** terms. Actions that degrade the quality or productivity of the forest will no longer be tolerated, and the Minister will be able to reduce the volume of timber allocated to an agreement holder whose performance is unsatisfactory. The agreement holder's allocation of timber will not, in such a case, be increased. However, the Minister may suspend the application of a reduction in timber allocation if the agreement holder offers to carry out and pay for the remedial work required[1].

"Environmental and forest management performance": an assessment of the quality of work carried out, in terms of forest management (degree to which the forest production and management objectives have been met) and environmental protection (degree to which the soil and other components of the forest environment have been preserved).

The joint performance of the agreement holders will be taken into consideration by the Minister when extending an agreement, every five years. At the same time, the Minister will base the new volume of timber allocated on the ***industrial performance*** of each TSFMA holder, responsible for ensuring that optimum use is made of all timber harvested.

Lastly, when a drop in the potential yield of a given area forces the Minister to reduce the volume of timber allocated under the agreements concerned, the reduction may be shared among agreement holders to limit the impact on their businesses and communities.

"Industrial performance": rate at which harvested wood is processed into finished products, or the effort made by a business to reduce the quantity of waste and residue produced when processing timber.

Increased salvage of damaged timber

Another area in which performance levels must be improved is the salvage of timber that would otherwise be lost following a fire, insect attack or other natural disturbance. The objective is not to recover all the damaged timber since much of it will have already lost most of its commercial value, or will lose it within a few months. In addition, it is important to leave some of the damaged trees in place, since they help to preserve the biodiversity of the forest environment. Currently, though, only about 20% of damaged timber is recovered, and this low rate could easily be improved.

[1] When a TSFMA is reviewed, the Minister may amend the area covered by the agreement or the volume of timber allocated on the basis of the following criteria: changes in the needs of a mill, changes in the availability of timber from other sources, including private woodlots, re-assessment of the allowable annual cut, etc. The performance criteria taken into consideration when an agreement is reviewed will take precedence over the previous criteria. They will also be considered for the renewal of the new forest management agreements.

INCREASING FOREST PRODUCTION

Introducing more intensive forest management, in other words investing more to increase forest production rates, will not lead immediately to higher timber yields. The gain in production will only become apparent in the medium and longer terms. Québec does not intend to match the yields achieved by certain European countries which, in some cases, are more than double the Québec average, since this would involve planting large tracts of land with a single species of tree, resulting in a loss of biodiversity and a reduction in multiple forest use. Instead, the focus will be on realizing existing potential while preserving the natural features of the forest.

ACHIEVING SUSTAINABILITY THROUGH BETTER PERFORMANCE

As mentioned above, the MRN will set objectives for the management of Québec's public forests, and these objectives must be met by agreement and contract holders.

Shared obligations

Since several agreement and contract holders will be working in the same area, they will have to work together in an organized way to achieve the objectives set. Under the Act, agreement holders will have to pool their management efforts in a given area, and will all be responsible for producing joint management plans. In simple terms, each forest area will be covered by a single general plan and a single annual plan approved by the Minister. The plans will provide for the holders to obtain the timber allocated under their individual agreements, but they will have to agree together on all the work to be performed to bring the harvested areas back into production and to achieve the joint management objectives indicated by the Minister for the territory they share. The work will be carried out in a manner that protects the environment and ensures optimum use of the timber harvested. The agreement holders will have to ensure that their work is of a high standard, and file a joint report on the work completed.

The agreement holders will have to agree on how to share the work between them, but each holder will be held responsible for the quality of the work carried out in the whole area, even if it was actually done by another agreement holder. In addition, all the holders will be treated on an equal footing as regards the attainment of the management objectives fixed by the Minister.

The Minister, when reviewing previously granted agreements, will also take into consideration the joint ***performance*** of the agreement holders in ***environmental and forest management*** terms. Actions that degrade the quality or productivity of the forest will no longer be tolerated, and the Minister will be able to reduce the volume of timber allocated to an agreement holder whose performance is unsatisfactory. The agreement holder's allocation of timber will not, in such a case, be increased. However, the Minister may suspend the application of a reduction in timber allocation if the agreement holder offers to carry out and pay for the remedial work required.

"Environmental and forest management performance": an assessment of the quality of work carried out, in terms of forest management (degree to which the forest production and management objectives have been met) and environmental protection (degree to which the soil and other components of the forest environment have been preserved).

The joint performance of the agreement holders will be taken into consideration by the Minister when extending an agreement, every five years. At the same time, the Minister will base the new volume of timber allocated on the ***industrial performance*** of each TSFMA holder, responsible for ensuring that optimum use is made of all timber harvested.

Lastly, when a drop in the potential yield of a given area forces the Minister to reduce the volume of timber allocated under the agreements concerned, the reduction may be shared among agreement holders to limit the impact on their businesses and communities.

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Under the present system, damaged timber is salvaged by the holder of the agreement covering the area where the natural disturbance takes place. Under the proposed new system, the Minister will be able to require any agreement holder considered able to take part in a salvage operation to participate, regardless of the area covered by the holder's agreement. An agreement holder who refuses to salvage the volume of timber indicated by the Minister will have an equivalent volume deducted from the volume it is authorized to harvest under its annual permit. Where the volume of timber to be salvaged exceeds the harvesting capacity of the agreement holders, the Minister may also authorize a mill owner who does not hold a TSFMA to take part in the salvage operation.

Flexible management

It is often said that Acts and regulations are rigid, whereas management practices must be flexible and adapted to suit particular circumstances or local conditions. The forest protection and management standards in force are often general, and can be inadequate or poorly adapted to specific cases. As a result, the Act will allow for adjustments to the standards of forest management, as established in the regulations, in cases where they fail to offer sufficient protection for all resources, where they are inconsistent with the nature of a given project, or where they do not allow the results of a public hearing on forest management plans, and the joint action promoted by the hearing, to be taken into consideration.

Recognition of the specific values of Native peoples. (Summary of public consultations, Fall 1998)

In the future, the Minister will be able to prescribe additional standards, or standards that differ from those prescribed by the regulations in force, in order to harmonize forest management activities with the pursuit of traditional subsistence, ritual or social activities by Native communities.

Agreement and contract holders will be able to propose, to the Minister, the application of standards other than those prescribed by the Act and regulations, to provide for better forest management. However, they will be required to show that the standards they propose are at least as effective as those they replace. If the Minister considers that the standards so authorized have not produced the expected results, the person concerned may be asked to cease their application, to revert to the general regulations in force and to apply remedial measures where necessary.

A new focus on results. (Summary of public consultations, Fall 1998)

TRANSPARENCY: PROMOTING INVOLVEMENT

The greater the interest in Québec's forests, the more chance there is of improving how they are administered and managed. Increased public involvement, however, must be based on up-to-date information, because only the well-informed can act effectively.

All general forest management plans are already available for public consultation. With the proposed changes to the Act, the public will also have access to all the other plans and reports filed by agreement and contract holders.

Agreement and contract holders will also be responsible for releasing information on the results of their forest management activities. The Minister's assessment of their performance will be made public.

The Minister of Natural Resources currently publishes a five-year report on the state of Québec's forests. Under the new system, the report will also address the overall design and results of the forest management system, and the MRN will publish any court decisions relating to offences under the Act or the regulations. Penalties will be made more severe and will be more general in scope, increasing their dissuasive power.

CONCLUSION

The management of Québec's forests must be recentred on sustainability. The main proposed changes to the forest system are designed to ensure that:

- the general public is able to play a more active role in the forest management process;
- Native communities are able to make their values and specific needs known;
- access to forest resources is broadened to include more businesses, with more varied objectives;
- forest development and forest protection are based on clearly defined objectives;
- the forest management plans drawn up by agreement and contract holders are improved, in particular thanks to the involvement of local populations, Native communities and wildlife managers, who will be given new input;
- the obligations of agreement and contract holders are made more stringent, and that their forest management, environmental and industrial performance is taken into account as part of the five-year review of their timber allocations;
- northern and exceptional forests are better protected;
- cutting areas are farther apart;
- the supervision of forest management activities is improved to monitor compliance with the Act and the regulations in the areas of forest management and environmental protection;
- the forest is utilized in the best way possible.

The proposed reform reaffirms the principle that access granted by the government to public forest resources is, above all, a privilege. Those who benefit from that privilege are required to act judiciously, and to respect forest ecosystems, the general public and other forest users, to ensure that the population of Québec continues to derive tangible, sustainable benefits from its forest resources. They must also act with transparency and will be held accountable for their actions. In addition, the government, as the defender of the public interest, will improve its supervision of the forests. The MRN will be given greater scope to ensure that agreement and contract holders manage the forests in a responsible, sustainable manner.

Québec
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